

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed November 3, 2005 ("Office Action"). Claims 1-39 are pending in the present application and currently stand rejected.

**Section 102 Rejection**

Claims 1-6, 12, 14, 16-20, 22, 27, 29-31, 36 and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,974,566 issued to Ault, et al. ("*Ault*"). Applicant traverses these rejections.

Applicant respectfully reminds the PTO that in order for a reference to anticipate a claim "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (Emphasis Added). With this threshold requirement in mind, Applicant submits that the PTO has failed to establish a prima facie case of anticipation, using *Ault*.

Independent Claim 1 is allowable because *Ault* fails to disclose, expressly or inherently, "initiating a service request message by a first client to a first server, the service request message initiated after a telephony call session has been established between the first client and a communication network." The Office Action alleges that *Cohen* discloses this limitation at Column 4, line 45 to Column 5, line 20, but this is incorrect. Rather, Column 4, line 45 to Column 5, line 20 describe a flowchart of a conventional Web transaction implemented by a Web Server in response to a receipt of a request from a client machine. In this process, the Web server accepts a request from a Web client, and, after processing that request, returns a response to the Web client. See Column 4, lines 45-46 of *Ault*. Part of the process includes performing tests to determine whether or not a given client may retrieve a document. See Column 4, lines 57-60 of *Ault*. Nowhere in the *Ault*'s description of this processing is there a description of "initiating a service request message . . . after a telephony call session has been established between the first client and a communication network." Additionally, *Ault* simply provides no description of a telephony call session. Rather, *Ault* describes the following use of a session manager:

“The session manager 27 is thus invoked by the Web Server when a user attempts to access a DFS file. If a user has already been authenticated by DCE, the Session Manager 27 returns the user credential to the server, which uses this credential to retrieve DFS documents on behalf of the user. If not, the session manager 27 will login for the user and obtain the credential from DCE Security. The session manager maintains the in-memory database 29 to keep track of which user has logged in so that redundant logins need not be performed.”

(Column 6, lines 24-33 of *Ault*.) Thus, it is apparent that *Ault* does not disclose “initiating a service request . . . after a telephony call session has been established.” For at least this reason, Applicant submits that *Ault* fails to disclose the Applicant’s invention in as complete detail as is contained in Independent Claim 1. Accordingly, Independent Claim 1 and its dependents should be allowed as should Independent Claims 14, 29, and 36 and their dependents for analogous reasons.

Applicant notes that *Ault* was used in a rejection on November 4, 2004, but not in the immediately preceding rejection of May 17, 2005. The November 4, 2004 rejection using *Ault* was withdrawn when the claims were amended to their present form. Applicant submits that the allowability of the independent claims over *Ault* is confirmed by the fact that the PTO upon viewing the claims in their present form chose to remove the November 4, 2004 rejection using *Ault* and instead attempted to use a different reference in alleging a rejection.

Notwithstanding the above reasons for allowance, many of the dependent claims are also allowable because *Ault* fails to teach or suggest the additional limitation or limitations recited by the respective dependent claims. Examples of these are described below.

Claim 2 is also allowable because *Ault* fails to disclose the services comprising an application operable to provide text viewing and modification capabilities. With regards to this limitation, the Office Action points to Column 4, lines 47-65, but this is incorrect. Applicant has thoroughly reviewed this portion and was unable to find a disclosure of this limitation. At best, this portion discusses determining authorization for a document and returning a response, which clearly does not disclose services comprising an application operable to provide text viewing and modification capabilities. Accordingly, for at least

this additional reason, Claim 2 is allowable as are Claims 3, 17, and 18 for analogous reasons.

Claim 12 is also allowable because *Ault* fails to disclose pressing a button associated with the requested service at the first client during the telephony call session to initiate the service request message. With regards to this limitation, the Office Action points to Column 8, line 55 to Column 9 line 7, but this is incorrect. Applicant has thoroughly reviewed Column 8, line 55 to Column 9 line 7 and was unable to find a disclosure of pressing a button associated with the requested service at the first client during the telephony call session to initiate the service request message. Accordingly, for at least this additional reason, Claim 12 is allowable as is Claim 27 for analogous reasons.

### **Section 103 Rejections**

Numerous dependent claims were rejected under 35 U.S.C. § 103(a). These rejections are moot because the independent claims are allowable as identified above.

### **Failure to Establish Prima Facie Rejection**

Applicant submits that the above indicated errors in failing to establish a *prima facie* case of anticipation are clear errors of law as defined by the Official Gazette Notice of July 12, 2005, establishing the procedure for the Pre-Appeal Brief Request for Review, and if maintained, would clearly be overturned by a Pre-Appeal Panel.

### **Request for Evidentiary Support**

Should any of the above asserted rejections be maintained, Applicant respectfully requests appropriate evidentiary support. Additionally, if the Examiner is relying upon "common knowledge" or "well known" principles to establish the rejection, Applicant requests that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. Furthermore, to the extent that the Examiner maintains any rejection based on an "Official Notice" or other information within the Examiner's personal knowledge,

Applicant respectfully requests that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

**No Waiver**

All of Applicant's arguments and amendments are without prejudice or disclaimer. Applicant reserves the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the anticipation and obviousness rejections.

**CONCLUSION**

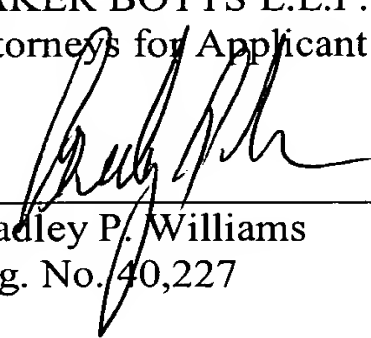
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brad P. Williams, Attorney for Applicant, at the Examiner's convenience at (214) 953-6447.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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